

FILED

02/04/2021

Clerk, U.S. District Court
District of Montana
Great Falls Division

RYAN G. WELDON
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 8329
Missoula, MT 59807
105 E. Pine, 2nd Floor
Missoula, MT 59802
Phone: (406) 542-8851
FAX: (406) 542-1476
E-mail: Ryan.Weldon@usdoj.gov

**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID RAYMOND SMITH,

Defendant.

CR 21- 01 -M- DLC

INDICTMENT

**FALSE STATEMENTS ON A
FINANCIAL STATEMENT TO A BANK
(Count I)**

**Title 18 U.S.C. § 1014
(Penalty: 30 years imprisonment,
\$1,000,000 fine, and five years of
supervised release)**

**BANK FRAUD
(Count II)**

**Title 18 U.S.C. § 1344
(Penalty: 30 years imprisonment,
\$1,000,000 fine, and five years of
supervised release)**

THE GRAND JURY CHARGES:

COUNT I –
FALSE STATEMENTS ON A FINANCIAL STATEMENT TO A BANK

That on or about March 2, 2016, at Hamilton, in Ravalli County, in the State and District of Montana, and elsewhere, the defendant, DAVID RAYMOND SMITH, knowingly made any false statements and reports, for the purpose of influencing the actions of TrailWest Bank, the accounts and deposits of which are FDIC insured, that is, the defendant, DAVID RAYMOND SMITH, when applying for a loan modification, and during the submission of a financial statement, made false statements to TrailWest Bank and its employees, including the following:

- The defendant, DAVID RAYMOND SMITH, falsely claimed his total liabilities were \$1,132,770, when in truth and in fact, and as the defendant, DAVID RAYMOND SMITH, then and there knew, he had \$595,586.88 of additional undisclosed debt, which brought his actual liabilities to \$1,728,356.88;
- The defendant, DAVID RAYMOND SMITH, falsely claimed his total assets were \$1,894,075.00, when in truth and in fact, and as the defendant, DAVID RAYMOND SMITH, then and there knew, he falsely claimed \$114,000 in accounts receivable to which he was not entitled, meaning his actual total assets were \$1,780,075.00;

All in violation of 18 U.S.C. § 1014.

COUNT II – BANK FRAUD

That on or about March 2, 2016, and continuing thereafter until in or about February 2017, at Hamilton, in Ravalli County, in the State and District of Montana, and elsewhere, the defendant, DAVID RAYMOND SMITH, knowingly executed, and attempted to execute, a material scheme and artifice to defraud and to obtain moneys and funds owned by, and under the custody and control of TrailWest Bank, a financial institution whose deposits and accounts were insured by the FDIC, as outlined in 18 U.S.C. § 20(1), that is,

- The defendant, DAVID RAYMOND SMITH, falsely claimed his total liabilities were \$1,132,770, when in truth and in fact, and as the defendant, DAVID RAYMOND SMITH, then and there knew, he had \$595,586.88 of additional undisclosed debt, which brought his actual liabilities to \$1,728,356.88.
- The defendant, DAVID RAYMOND SMITH, falsely claimed his total assets were \$1,894,075.00, when in truth and in fact, and as the defendant, DAVID RAYMOND SMITH, then and there knew, he falsely claimed \$114,000 in accounts receivable to which he was not entitled, meaning his total assets were \$1,780,075.00;

All in violation of 18 U.S.C. § 1344.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON

Handwritten signature of Leif M. Johnson in blue ink, followed by the word "for" in blue ink.

LEIF M. JOHNSON
Acting United States Attorney

Handwritten signature of Joseph E. Thaggard in blue ink, followed by the word "for" in blue ink.

JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney